

## **REMARKS/ARGUMENTS**

Claims 18-26 are rejected under 35 U.S.C. 101 because the Examiner argues that claimed invention is directed at non-statutory subject matter. More specifically, the Examiner argues that the computer readable medium encompasses statutory media such as a ROM, hard drive, optical drive, etc., but also encompasses non-statutory subject matter such as a signal, carrier wave, and airwaves. Applicants respectfully disagree. Claims 18-26 explicitly recite a tangible computer readable storage media having computer code embodied therein. It is respectfully submitted that a signal, carrier wave, and airwaves are not storage media. Claims 18-26 are believed to encompass only statutory subject matter.

In the previous Office Action, independent claims 1, 10, 18, 23, 27, and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (USP No. 2002/0141544) in view of Stetson (US 6,552,614) and further in view of Jost (US 7,251,820). In light of Applicant remarks, the Examiner is submitting new grounds of rejection. Claims 1-4, 6, 9-12, 14, 17-21, 23, and 26 including independent claims 1, 10, 18, 23, 27, and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Stetson and further in view of White (US 5,983,273).

The Examiner acknowledges that Brown and Stetson do not teach or suggest obtaining parameter information comprising power characteristics of a replacement component for the cable modem from nonvolatile memory and Brown and Stetson do not teach or suggest configuring the operating system to operate the replacement component and report power characteristics from the cable modem to the upstream device.

The Examiner relies on the newly cited White references to describe these recitations. It is acknowledged that Smart describes a smartcard, which the Examiner argues is a nonvolatile memory. However, White does not teach or suggest obtaining parameter information comprising power characteristics of a replacement component from the smartcard. White only describes reading identification information from the smartcard (Figure 7, 715). The identification information from the smartcard is used to authenticate a client. More specifically, “the log-in service 515, with reference to the customer database 540, determines if the identification information is associated with an authorized user of the WebTV Service. If the identification information is not found, processing continues with step 730.” (column 9, lines 42-48)

Nonetheless, the independent claims have been amended to facilitate prosecution. The independent claims have been amended to recite “wherein the component is a first tuner selected from a plurality of tuners included in the cable modem,” obtaining parameter information “including downstream power monitoring characteristics, band crossover frequency, tuner control bytes, and upstream power reporting characteristics for the first tuner from a tuner characteristic table,” “wherein the upstream device is a cable modem head end,” and obtaining parameter information “including downstream power monitoring characteristics, band crossover frequency, tuner control bytes, and upstream power reporting characteristics for a second tuner selected from a plurality of tuners included in the cable modem.”

These amendments are believed supported by the original Claims, Drawings, and Specification. For example, “It should be noted that use of a tuner characteristic table also allows the use of multiple tuners in a single cable modem. The tuner control bytes 421 and 423 provide information for controlling the specific tuner in various operating bands. The tuner characteristic information table 401 can also include downstream power monitoring characteristics 427. Downstream power monitoring characteristics 427 can include the number of frequency samples taken, the definition of sample points, the number of power samples used, the definition of the power samples. According to various embodiments, the information can be provided in a two-dimensional table integrated with the tuner characteristic information table 401. The tuner characteristic information table 401 can also include upstream power reporting characteristics 441. As will be appreciated by one of skill in the art, various types of tuners can have different saturation and rolloff properties. Values for informing the cable modem operating system of attenuation across both power and frequency as well as rolloff across both power and frequency can be provided in the tuner characteristic information table 401. Power characteristics are discussed in more detail below.” (page 11, line 19 – page 12, line 5)

The materials cited by the Examiner either alone or in combination do not teach these recitations. The materials cited by the Examiner are not believed to sufficiently teach or suggest a “tuner characteristic table” holding information for a “plurality of tuners” where cable modem includes a “plurality of tuners.” Furthermore, the materials cited by the Examiner do not teach or suggest obtaining “downstream power monitoring characteristics, band crossover frequency, tuner control bytes, and upstream power reporting characteristics” for a first tuner and a second tuner included in the cable modem from the tuner characteristic table.

Dependent claim 31 has been amended to recite “the tuner characteristic table is configured to hold a version number, downstream tuner characteristics, IF frequency, band crossover frequency, IF AGC gain threshold, RF AGC gain threshold, tuner address, tuner control bytes, downstream power monitoring characteristics, and upstream power reporting characteristics for the plurality of tuners included in the cable modem.” The materials cited by the Examiner either alone or in combination do not teach or suggest maintaining these elements for a plurality of tuners in a tuner characteristic table in cable modem nonvolatile memory.

None of the references either alone or in combination are believed to teach or suggest the claim recitations noted above. In light of the above remarks above, all independent claims and associated dependent claims are believed allowable for at least the reasons noted above. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
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